



## MEMORANDUM

**TO:** Steve Sebbby, Chairperson, Transportation & Safety Committee  
Transportation & Safety Committee Members

**FROM:** David A. Hulseberg, AICP *DH/vjh*  
Assistant Village Manager/Director of Community Development

**DATE:** May 2, 2007

**RE:** **Text Amendments to Chapter 97 of the Village Code:  
Above Ground Utility Cabinets**

At the April 2, 2007 Transportation & Safety Committee meeting, staff presented proposed text amendments to Chapter 97 of the Village Code to address the issue of Above Ground Utility Cabinets (AGUC) that may potentially be placed within the public rights of way. The amendments establish regulations that will promote the placement of AGUC on private property (with location discretion) while discouraging AGUC on public rights of way, specifically near intersections and driveways. A copy of the proposed amendments to Chapter 97 is attached.

The Committee directed staff to present the text amendments to the Public Works Committee at its April 10, 2007 meeting. The Public Works Committee unanimously recommended approval of the proposed amendments.

The Transportation & Safety Committee also requested additional information from staff relative to the placement of the AGUCs. First, the Committee asked for the rationale for the proposed three-hundred foot separation distance. Staff notes that the 300 foot linear distance is intended to ensure that cabinet clustering within the right of way does not occur. Such clustering could create additional sight obstruction issues and could have a greater impact upon the overall use of the right of way for all other purposes. The 300 foot separation dimension was selected as that distance would generally provide for no more than one cabinet on a street or it would generally relegate the cabinets to the far ends of a particular block. The 300 foot distance can be considered appropriate as it is almost one-half the distance of the maximum length of a cul-de-sac street and one-fourth of the maximum block length within the Subdivision and Development Ordinance (Sections 154.503 (I) and 154.505 (B)) respectively. The length could also be considered legally defensible as it still would provide the communications provider(s) with the ability to serve a neighborhood without creating an excessive burden upon them.

The Committee also wanted to consider the issues addressed as part of the Clear Line of Sight White Paper being prepared by Community Development staff. Staff will present this report at the May 7, 2007 meeting, under separate cover, as well.

**ACTION REQUESTED**

Staff recommends that the Transportation and Safety Committee consider and recommend approval of the aforementioned amendments to Chapter 97 of the Village Code at its May 7, 2007 meeting.

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Draft Amendment to Chapter 97 of the Village Code

Chapter 97: Streets and Sidewalks

**97.012 ABOVE GROUND UTILITY CABINETS**

Above Ground Utility Cabinets, as defined in Section 155.802 of this Code, shall be permitted in the public right-of-way under the following conditions:

- (A) The Above Ground Utility Cabinet shall be located no less than three hundred (300) linear feet from any other Above Ground Utility Cabinet. Notwithstanding the foregoing, the owner of the proposed Above Ground Utility Cabinet can show that utility service cannot be provided if compliance with the foregoing distance restriction is required, a shorter distance, sufficient to allow the provision of utility service, shall be allowed.
- (B) Above Ground Utility Cabinets shall be located no less than twenty (20) feet from any residential driveway, no less than thirty (30) feet from any non-residential driveway and no less than thirty (30) feet from the pavement of intersecting public or private streets. Traffic signal and street light cabinets shall be exempt from the provisions set forth in this subsection, but only to the extent that compliance herewith is not possible.
- (C) Existing franchise agreements, to the extent they have provisions to the contrary in them, supersede these regulations set forth above. Additionally, regulations established by the Federal Communications Commission (FCC) shall also supersede the regulations set forth above.